

News

Judges told not to ignore MPs' Brexit vote

By Gordon Rayner CHIEF REPORTER

BRITAIN'S highest court has been warned it must take account of Wednesday's Commons vote backing Brexit when it rules on whether Theresa May has the power to invoke Article 50.

James Eadie QC, acting for the Government, told the Supreme Court that the motion in favour of triggering Brexit by March 31 was "highly significant" and provides "the sharpest of focus" for the judges' decision.

Addressing the 11 justices at the end of a four-day hearing, Mr Eadie said of

the vote, which was carried by a 372 majority: "It may not be legally binding but that does not mean it is not legally relevant, because Parliament has given specific approval to the Government to give that notice. Parliament has indicated its view and has done so clearly."

The Government is appealing against a High Court ruling that it must pass an Act of Parliament to invoke Article 50 of the Lisbon Treaty – which gives the EU notice of Britain's intention to leave – rather than use prerogative powers.

Mr Eadie said legislation was not necessary "to confirm that which the

House of Commons has already called upon the Government to do".

Lord Neuberger, president of the Supreme Court, promised that he and his 10 colleagues would deliver their verdict as swiftly as possible.

In his closing statement, Lord Neuberger said: "We are not being asked to overturn the result of the EU referendum, we are being asked to determine the process by which that result can be brought into effect.

"That raises important constitutional issues and we will now make sure that the many arguments are given full

and proper consideration. We appreciate that this case should be resolved as quickly as possible and we will do our best to achieve that."

The judges are expected to announce their decision in mid to late January.

Campaigners have argued that the Government has no legal power to trigger Article 50, because it would revoke the legislation that took Britain into Europe, which they say requires an Act of Parliament. It would mean that the result of June's EU referendum was merely advisory, rather than binding.

Gina Miller, the businesswoman and

philanthropist who brought the case against the Government, said after the hearing that the parliamentary vote should have no bearing on the case.

She said: "Parliament debating and voting on a motion or resolution simply won't suffice."

"Our case is that prerogative powers end where domestic law begins. Only Parliament can grant rights and only Parliament can frustrate, nullify or displace rights."

Jeremy Wright, the Attorney General, said after the hearing: "The country voted to leave the European Union, in a

referendum approved by an Act of Parliament. The Government has argued throughout that no further Act of Parliament is needed to begin the process of leaving the European Union.

"There was a universal expectation that the referendum result would be honoured."

But his predecessor, Dominic Grieve, disagreed. Asked if the referendum and Wednesday's vote were effectively "grand opinion polls" he replied: "Yes, that's a very good way of putting it. Of course both have great political force, but it doesn't change the law."

Ukip targets Labour rebels who defied constituents

By Laura Hughes
and Peter Dominicak

UKIP last night vowed to target the seats of MPs who voted in the Commons against the plan for leaving the European Union despite the majority of their constituents supporting Brexit.

A total of seven MPs from such areas rebelled against Theresa May's Brexit timetable on Wednesday, in a vote which supporters said gave the Prime Minister a "blank cheque" to take Britain out of the EU.

The Government won a huge mandate for Brexit as 461 MPs backed triggering Article 50, which begins formal exit negotiations, by the end of March.

Labour MPs who voted against Mrs May included Graham Allen, whose Nottingham North constituency voted 63.8 per cent for Leave, and Angela Smith, whose Penistone and Stocksbridge seat voted 61.3 per cent Leave.

Paul Farrelly, the Labour MP for Newcastle-under-Lyme, serves in an area that voted 61.7 per cent for Brexit and has a slim majority of just 650. Labour's Barry Sheerman and Chris Evans also opposed the amendment, as did Plaid Cymru's Jonathan Roberts and SNP's Eilidh Whiteford.

Gerard Batten, Ukip's Brexit spokesman, told *The Daily Telegraph*: "These MPs have just written their own political epitaphs. Their action is a clear invitation to Ukip to remove them."

Iain Duncan-Smith, the former work and pensions secretary, said most Labour MPs have "woken up to the fact that they themselves are in seats that voted to Leave", but that some have "decided they don't really care".

"Ukip have said they are going to target people, so I know that has had an effect on quite a lot of MPs who are worried about what they are going to do over the next couple of years if they are seen to be on the wrong side of this argument," he said.

Mr Sheerman told Ukip to "bring it on", adding that his vote was made with the "long-term interests of my constituents" in mind. Ms Smith said those who voted against the motion "did not vote against Brexit or indeed against triggering Article 50, but rather against an unrealistic timetable as far as Parliamentary scrutiny is concerned".



BEN STANSALL/PA

Pick a card Theresa May and her husband Philip sift through more than 600 entries from her constituency to choose designs for her Christmas cards. The winning artworks were by, from left, Sophie Brazil, 11, Isabelle Milnes, five, and Jade Windsor, 11.

Stumped by this case? Then ask a six-year-old

Sketch



By Michael Deacon

For the humble layman, trying to follow the exchanges between lawyers and justices at this week's Supreme Court appeal has been tough. Much of the time, it's felt like eavesdropping on a private conversation in a foreign language. Now and again your ears prick up at a familiar phrase – but no sooner have you scribbled it down than you're lost once more.

Still, no point feeling bad about it. These people are, after all, extraordinarily intelligent. But, as is the way with the extraordinarily intelligent, they sometimes forget that other people aren't quite as extraordinarily intelligent as they are.

Yesterday, Richard Gordon QC – arguing on behalf of the Welsh Government – was discussing the abrogation of prerogative powers. "A child of six," he sniffed, "could understand this point." I don't know whether Mr Gordon has any six-year-old children of his own, but if so, they must be pretty bright.

"For goodness' sake, boy, it's gone eight o'clock. Put that statute book down, it's past your bedtime."

"Aw, Dad! This is one of my favourite pieces of legislation! Please! Just one more amendment!"

"Certainly not. Lights out."

"But Daaaaaa! At least let me get to the end of this clause!"

"No. Now get to sleep. You've got law school in the morning."

"So unfair. You've got no right to treat me like this."

"Actually, I have. See the Bedtime Act 1974 and R v Snotty Little Brat (1991)."

Yet, despite my struggles to work

out what on earth anyone in the Supreme Court is talking about, I've found the hearing strangely comforting. After all, whatever our views about the High Court's ruling on Article 50, or the Government's appeal against it, we at least know that the final decision rests with people who are not just blithely well-informed

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but remorselessly thorough.

On Wednesday, for example, the justices discussed the meaning of the word "normally". Yesterday, they discussed the differences between the phrases "with regard to" and "relating to".

The hearing lasted only four days; it

would have been interesting to see

what they found to discuss on a fifth. ("If I could just stop you there, Lord Pannick – what precisely do you mean by 'the'?)

The 11 justices will now deliberate in private, and deliver their judgment next month. Lord Neuberger, the President of the Supreme Court, reminded everyone that whatever that judgment was, it could not "overturn the result of the EU referendum"; the case was simply about "the process by which that result can lawfully be brought into effect".

Well, at least that bit was easy to understand. Let's hope all our MPs do.

Downstairs, intriguingly, official souvenirs were on sale. Among them were a Supreme Court baseball cap, a Magna Carta table mat, and a Judicial Committee of the Privy Council teddy bear.

I wonder what sort of child would want a Judicial Committee of the Privy Council teddy bear. I suppose Richard Gordon's six-year-old.

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other partners to bring an end to the appalling conflict in Yemen." Asked whether Mr Johnson was expected to apologise to the Saudi regime on Sunday, the spokesman said: "He will have meetings with senior representatives in Saudi Arabia and he will have the opportunity to set out the Government's position."

Mrs May is thought to have been angered by the comments because they emerged just after she returned from a trip to the Gulf, which she used to hold diplomatic talks with the Saudis.

The Prime Minister is also very keen to develop trading links with the Gulf states to boost the post-Brexit economy.

Last night it was reported that the Saudis are concerned at the mixed signals coming from the Government.

However, a Whitehall source said: "The Saudis haven't batted an eyelid."

Sources also made clear that the Foreign Secretary said nothing that had

not been said to the Saudis "behind closed doors".

In comments that caused dismay in Westminster, the Prime Minister last month mocked Mr Johnson at the *Spectator* awards, joking that she might put him down like a disobedient dog.

And during his Autumn Statement, Philip Hammond, the Chancellor, made a pointed reference to Mr Johnson, saying that he "will prove no more adept at pulling rabbits from hats than my successor as foreign secretary has been at retrieving balls from the back of scrums".

One ally of Mr Johnson's in the Government said: "People are trying to trivialise him. It's not going to work. He is doing a good job as Foreign Secretary."

An MP added: "The fact is, people in Downing Street are threatened by Boris. That's why they react like this."

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Calvin Klein CK One 200ml
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Calvin Klein Eternity Men 100ml
NOW £28.50 was £57

Calvin Klein Eternity Women 100ml
NOW £34 was £68